

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SARAH STIRPE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

PIONEER CREDIT RECOVERY, INC.,

Defendant.

18-CV-882
DECISION AND ORDER

On August 9, 2018, the plaintiff commenced this action, raising claims under the Fair Debt Collection Practices Act. Docket Item 1. On September 25, 2018, the defendant moved to dismiss, Docket Item 9; on October 18, 2018, the plaintiff responded, Docket Item 14; and on October 29, 2018, the defendant replied, Docket Item 15. On October 31, 2018, this Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 16.

On August 19, 2019, Judge Roemer issued a Report and Recommendation ("R&R") finding that the defendant's motion should be denied. Docket Item 27. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ.

P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to deny the plaintiff's motion.

For the reasons stated above and in the R&R, the plaintiff's motion to dismiss, Docket Item 9, is DENIED. The case is referred back to Judge Roemer for further proceedings consistent with the referral order of October 31, 2018, Docket Item 16.

SO ORDERED.

Dated: October 3, 2019
 Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE